

No. A 187-113

KLEIN INVESTIGATIONS & CONSULTING
AND PHILLIP KLEIN, INDIVIDUALLY

VS.

DYLAN HOWARD, WIDE EYE
COMMUNICATIONS, CROCMEDIA

§
§
§
§
§
§

IN THE DISTRICT COURT OF

JEFFERSON COUNTY, TEXAS

58th

JUDICIAL DISTRICT

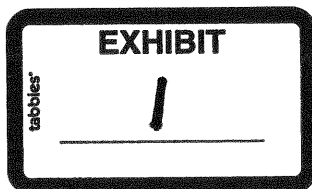
PLAINTIFFS' ORIGINAL PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, KLEIN INVESTIGATIONS & CONSULTING AND PHILLIP KLEIN, INDIVIDUALLY, Plaintiffs in the above-entitled and numbered cause and files Plaintiffs' Original Petition, complaining of DYLAN HOWARD, WIDE EYE COMMUNICATIONS AND CROCMEDIA, Defendants, and for a cause of action would show the following:

PARTIES

1. Plaintiffs, Klein Investigations & Consulting and Phillip Klein, Individually, are appearing in court through their attorney of record.
2. Defendant, Dylan Howard, is an individual who can be served with process at his place of employment, 55 Wall Street, Suite 824, New York, New York 10005.
3. Defendant, Wide Eye Communications can be served can be served with process through its Managing Editor, Dylan Howard, 55 Wall Street, Suite 824, New York, New York 10005.
4. Defendant, Crocmedia can be served with process through its Sales Manager, Roearm Brensinger, 6464 Sunset Boulevard, Suite 830, Hollywood, California 90028.



FILED
DISTRICT COURT OF
JEFFERSON COUNTY TEXAS
JUN 21 P 2:46
LISA RAMOS
DISTRICT CLERK

(2H)

DISCOVERY PLAN

5. Discovery should be conducted under Level 3 and Plaintiffs request the entry of a scheduling order.

JURISDICTION AND VENUE

6. The amount in controversy is within the jurisdictional limits of this Court. Venue is proper in this Court, since a substantial portion of the acts or omissions occurred in Jefferson County, Texas.

FACTS AND CAUSES OF ACTION

7. The Defendants, Dylan Howard and Crocmedia, made fraudulent representations and/or negligent misrepresentations to the Plaintiffs in order to induce them to enter into a non-disclosure agreement, by which these Defendants promised to pay \$80,000.00 to the Plaintiffs in order to obtain all confidential information regarding the disappearance of Patrick McDermott in the possession of Plaintiffs relating to the subject story. These Defendants, along with the additional Defendants of Wide Eye Communications then absconded with confidential information belonging to the Plaintiff, and literally stole his story, falsely claiming that the information upon which their story was based subsequently became generally available by publication, commercial use or otherwise, to no fault of the Defendants.

The Plaintiffs, therefore, sue all the Defendants, jointly and severally, for tortious interference with business relationships, conversion of Plaintiffs' property, unlawfully converting and/or tortiously interfering with Plaintiffs' trade secrets. Plaintiff also sues for

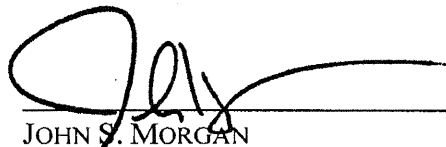
(LH)

the imposition of a constructive trust and a receiver, to force the Defendants to account for all revenue and/or profits they generated based upon the confidential information they obtained with fraudulent intent from the Plaintiffs.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiffs, KLEIN INVESTIGATIONS & CONSULTING AND PHILLIP KLEIN, pray that Defendants, DYLAN HOWARD, WIDE EYE COMMUNICATIONS AND CROCMEDIA, be cited to appear and answer herein as the law directs, and that upon final hearing, Plaintiffs have and recover judgment of and from Defendants pursuant to the above and foregoing allegations in such amounts as the evidence may show proper at the time of trial, together with interest thereon at the maximum legal rate, for costs of Court, and for such other and further relief, both general and special, statutory or common law, at law and in equity, to which Plaintiffs may be justly entitled.

Respectfully submitted,



JOHN S. MORGAN
Texas Bar No. 14447475
HARRIS, DUESLER & HATFIELD, LLP
550 Fannin, Suite 650
Beaumont, Texas 77701
Telephone: (409) 832-8382
Facsimile: (409) 833-4240
ATTORNEY FOR PLAINTIFFS

I CERTIFY THIS AS A TRUE COPY
Witness my Hand and Seal of Office

JUL 16 2010

LOLITA RAMOS, DISTRICT CLERK
JEFFERSON COUNTY, TEXAS
BY  DEPUTY

24

JS 44 (Rev. 12/07)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS
Klein Investigations & Consulting and Phillip Klein, Individually

(b) County of Residence of First Listed Plaintiff Jefferson
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)
John Morgan; Harris, Duesler & Hatfield, LLP.; 550 Fannin, Ste. 650,
Beaumont, TX 77701; (409) 832-8382

DEFENDANTS
Dylan Howard, Wide Eye Communications, Crocmedia

County of Residence of First Listed Defendant Los Angeles
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE
LAND INVOLVED.

Attorneys (If Known)
Bruce M. Partain; Wells, Peyton, Greenberg & Hunt, LLP.; PO Box
3708, Beaumont, TX 77704; (409) 838-2644

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | | | | | |
|---|---------------------------------------|---------------------------------------|---|----------------------------|---------------------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input checked="" type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input checked="" type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input checked="" type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition		

V. ORIGIN (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding
- ☒ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from another district (specify)
- ☐ 6 Multidistrict Litigation
- ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

28 USC sec. 1332, 1441, and 1446

Brief description of cause:

Plaintiffs assert Defendants breached a non-disclosure agreement by disclosing Plaintiffs' information

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$
80,000.00

CHECK YES only if demanded in complaint:
JURY DEMAND: ☐ Yes ☒ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE
07/19/2010

SIGNATURE OF ATTORNEY OF RECORD

Bruce M. Partain

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

CIVIL DOCKET, DISTRICT COURT

[illegible]

I CERTIFY THIS AS A TRUE COPY
Witness my Hand and Seal of Office

JUL 16 2010

LOLITA RAMOS, DISTRICT CLERK
JEFFERSON COUNTY TEXAS
1700
DEPUTY

B

DEPUTY

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

KLEIN INVESTIGATIONS &	§	
CONSULTING AND PHILLIP KLEIN,	§	
INDIVIDUALLY	§	CASE NO.
Texas citizens,	§	JURY
Plaintiffs,	§	JUDGE
vs.	§	
	§	
DYLAN HOWARD, WIDE EYE	§	
COMMUNICATIONS, AND	§	
CROCMEDIA	§	
	§	
Defendants.	§	

ATTORNEY LIST

Bruce M. Partain
WELLS, PEYTON, GREENBERG & HUNT, LLP
Texas Bar No. 15548400
bpartain@wellspeyton.com
550 Fannin, Suite 600
Beaumont, Texas 77701
Telephone (409) 838-2644
Facsimile: (409) 838-0416
*Attorneys for Defendants Dylan
Howard and Wide Eye
Communications, PTD, Ltd.*

John Morgan
Harris, Duesler & Hatfield, LLP
Texas Bar No. 14447475
john_morgan9@msn.com
P.O. Box 830
Beaumont, Texas 77704-0830
Telephone (409) 832-8382
Facsimile: (409) 833-4240
*Attorney for Plaintiffs Klein Investigation &
Consulting and Phillip Klein, Individually*

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

KLEIN INVESTIGATIONS &	§	
CONSULTING AND PHILLIP KLEIN,	§	
INDIVIDUALLY	§	CASE NO.
Texas citizens,	§	JURY
Plaintiffs,	§	JUDGE
vs.	§	
	§	
DYLAN HOWARD, WIDE EYE	§	
COMMUNICATIONS, AND	§	
CROCMEDIA	§	
	§	
Defendants.	§	

PARTY REQUESTING JURY TRIAL

Prior to removal, none of the parties to this action has requested a jury trial.

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

KLEIN INVESTIGATIONS &	§	
CONSULTING AND PHILLIP KLEIN,	§	
INDIVIDUALLY	§	CASE NO.
Texas citizens,	§	JURY
Plaintiffs,	§	JUDGE
vs.	§	
	§	
DYLAN HOWARD, WIDE EYE	§	
COMMUNICATIONS, AND	§	
CROCMEDIA	§	
	§	
Defendants.	§	

STATUS OF REMOVED CASE

The status of the removed case, *Klein Investigations & Consulting and Phillip Klein, Individually v. Dylan Howard, Wide Eye Communications, and Crocmmedia*, from the District Court, 58th Judicial District, Jefferson County, Texas, is **PENDING**.

[ABOUT](#)[SERVICES](#)[CORPORATE & CONTENT](#)[MEDIA TRAINING](#)[NEWS AGENCY](#)[CLIENTS](#)[CONTACT](#)

Media Content
Production & Distribution

Communications
& Partnership Solutions

CORPORATE & CONTENT

Crocmedia Corporate and Content is the content production and distribution division. The division also provides branded content, advertising and sponsorships tailored to achieve client's advertising and business objectives. TV distribution services create a pathway for television programming to air in international markets.

Crocmedia Corporate and Content also operates Media Ready, Crocmedia's media training division.

LATEST NEWS

A-list celebrities support the Save Darfur Coalition
[More...](#)

Crocmedia gets stylish with Colin Megaro
[More...](#)

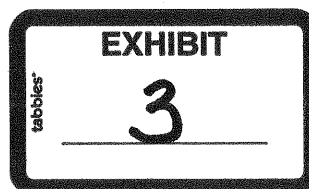
Lemongrass House?
[More...](#)

Steak's a blast at the Prime Society
[More...](#)

NEWSLETTER ARCHIVE

[Click here for newsletter archives](#)

Site Designed by Savi Communications PL | Copyright Crocmedia 2008 | Disclaimer | Los Angeles | New York | Singapore | Melbourne





[ABOUT](#) [SERVICES](#) [CORPORATE & CONTENT](#) [MEDIA TRAINING](#) [NEWS AGENCY](#) [CLIENTS](#) [CONTACT](#)

Crocmedia is as good as it gets in generating media coverage in America.

Jake Tyson, Redback Tools

LOS ANGELES

Brooke George
+1 323 382 0102
6464 Sunset Boulevard,
Suite 830,
Hollywood, CA, 90028
UNITED STATES OF AMERICA

NEW YORK

Patrick Hourihan
+1 323 422 9080
c/o Crocmedia
37 W 17th St., 2nd floor West
New York, NY 10011
UNITED STATES OF AMERICA

SINGAPORE

Marina Mathews,
+65 6837 8014
3E River Valley Road,
#02-04 Clarke Quay
Singapore 179024
SINGAPORE

MELBOURNE

Janine Greaney,
+61 3 8825 6622
Level 1,
435 Malvern Road
South Yarra VIC 3141
AUSTRALIA

LATEST NEWS

[More...](#)

Crocmedia news breaks worldwide Tiger Woods exclusive
[More...](#)

Meet the team at Crocmedia
[More...](#)

NEWSLETTER ARCHIVE

[Click here for newsletter archives](#)

Site Designed by Savi Communications PL | Copyright Crocmedia 2008 | [Disclaimer](#) | [Los Angeles](#) | [New York](#) | [Singapore](#) | [Melbourne](#)

NO. A-187,113

KLEIN INVESTIGATIONS &
CONSULTING AND PHILLIP KLEIN,
INDIVIDUALLY

Plaintiffs

V.

DYLAN HOWARD, WIDE EYE
COMMUNICATIONS, CROCMEDIA

Defendants

§
§
§
§
§
§
§
§
§

IN THE DISTRICT COURT OF

JEFFERSON COUNTY, TEXAS

58TH JUDICIAL DISTRICT

**DEFENDANTS' DYLAN HOWARD AND WIDE EYE
COMMUNICATIONS, PTD, LTD.'S NOTICE OF FILING NOTICE OF REMOVAL**

Please take notice that on July 19, 2010, Defendants Dylan Howard and Wide Eye Communications, PTD, Ltd. removed the above-captioned state-court litigation to the United States District Court for the Eastern District of Texas, Beaumont Division. A complete copy of the Notice of Removal is attached to this Notice of Filing Notice of Removal.

In accordance with 28 U.S.C. §1446(d), the filing of the Notice of Removal immediately effects the removal of this action to the United States District Court, and all further state-court proceedings are stayed until and unless this case is remanded by order of the United States District Court.

Respectfully submitted.

WELLS, PEYTON, GREENBERG &
HUNT, LLP

By: /s/ Bruce M. Partain
Bruce M. Partain
Texas Bar No. 15548400
bpartain@wellspeyton.com
550 Fannin, Suite 600
Beaumont, Texas 77701
Telephone (409) 838-2644
Facsimile: (409) 838-0416
*Attorneys for Defendants Dylan
Howard and Wide Eye
Communications, PTD, Ltd.*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 19th day of July, 2010 a true and correct copy of the foregoing was furnished to:

VIA CM/ECF ELECTRONIC NOTIFICATION

John Morgan
Harris, Duesler & Hatfield, LLP
P.O. Box 830
Beaumont, Texas 77704-0830
*Attorney for Plaintiffs Klein Investigation &
Consulting and Phillip Klein, Individually*

VIA FIRST CLASS MAIL

Crocmedia
Brooke George, Manager
6464 Sunset Blvd., Suite 830
Hollywood, CA 90028

/s/ Bruce M. Partain
Bruce M. Partain